

thereto, and their clerk shall record the same, with the probat, and an attested copy of the said bond and probat from the said record, shall be as good evidence in law to maintain an action of debt for the breach of the condition thereof, as if the said bond was actually produced and proved in court, and on suit the justices may order a copy of such bond to be filed in the county court, and thereupon scire facias shall issue against such collector, and his securities, in the same manner as by law is directed in the case of bonds to the loan office, and similar proceedings shall be had to compel payment of the money due, with an interest of six per cent. from the day appointed for payment; and every person appointed collector shall, before he acts as such, subscribe a declaration of his belief in the christian religion, and take and subscribe the oath, or if a quaker, menonist or tunker, the affirmation, of fidelity to this state, directed by the constitution and form of government, and the oath to the United States, unless he had before made the said declaration and taken the said oaths or affirmations.

By 1797, ch. 43, a speedy mode of recovery is given against the sheriff or collector of any county, and to the collectors against their deputies.

In certain cases judgment may be entered, &c.

SEC. 3. *And be it enacted,* That in all cases where any collector shall have collected any sum or sums of money for the use of the poor of his county, and shall neglect to pay over the same to the trustees of the said poor, or other person or persons authorized by law to receive the same, at the time required by this act, it shall and may be lawful, and the several county courts of this state are hereby required, upon motion made on behalf of the said trustees of the poor of the respective counties in this state, or other person or persons authorized to receive the money levied for their use, to order a judgment to be entered, and an immediate execution to issue thereon against the person or property of such collector, to levy and compel the payment of such sum of money so due and payable; provided, that ten days' previous notice of such intended motion be delivered in writing to such collector, or left at his place of abode, and proof thereof be made to the satisfaction of such court to which such application shall be made, and provided also, if such collector shall in person, or by attorney, desire a jury to be empannelled to ascertain the sum in his hands so due and payable, the said court shall direct a jury to be immediately charged, to try and ascertain between the state and the said party, whether the said collector is chargeable with, and liable to pay, any and what sum or sums of money to such trustees, or other person or persons authorized to receive the same for the use of the poor of the said county, and upon such verdict of the jury to pass judgment, in the name of the state, against